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REMARKS

Claims 1 through 12 and 14 through 20 are pending in this application. Claims 1 and 3 are hereby amended.

The paragraph beginning at page 15, line 16, is hereby amended to correct an innocuous, typographical error. Support of the above change is provided by the text preceding this paragraph in the specification as well as FIG. 9 of the drawings. Approval of the above change to the specification is respectfully requested.

Claims 1 and 2 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,301,609 B1 to Aravamudan, et al. ("Aravamudan, et al. patent"). Claims 3 through 5 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Aravamudan, et al. patent. Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Aravamudan, et al. patent in view of U.S. Patent No. 6,333,929 B1 to Drottar, et al. ("Drottar, et al. patent").

Claim 1 as amended provides, *inter alia*, deleting an instant message intended for a mobile subscriber from a buddy if the mobile subscriber does not receive the instant message after the instant message is resent a predetermined number of times. Claim 3 as amended provides, *inter alia*, similar language. Thus, the instant message is deleted, e.g., dropped from a message buffer, if it is not delivered to the mobile subscriber. Support for the above recitation is provided at page 5, line 23, through page 6, line 6, of the specification.

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In contrast, the CPE of the Aravamdan patent generates an inactivity message and

conveys the inactivity message to the CSP, i.e., ignoring the message by taking no action, if no

interaction is sensed for a predetermined time period. The Aravamudan, et al. patent describes

that the CPS updates its database to indicate that a user is inactive in response to receiving the

inactivity message, but it does not describe or suggest deleting an instant message, as required by

claims 1 and 3. Likewise, the Drottar, et al. patent describes a receiver that sends a negative

acknowledge (NAK) to a transmitter to instruct the transmitter to resend previously-sent packets.

Similar to the Aravamudan, et al. patent, the Drottar, et al. patent does not describe or suggest

deleting an instant message, as required by claims 1 and 3. Therefore, claims 1 and 3 distinguish

patentably from the Aravamudan, et al. patent, the Drottar, et al. patent, and the combination of

these patents.

Claims 2 and 4 through 7 depend from and include all limitations of independent claims 1

and 3 as amended. Therefore, claims 2 and 4 through 7 distinguish patentably from the

Aravamudan, et al. patent, the Drottar, et al. patent, and the combination of these patents for the

reasons stated above for amended claims 1 and 3.

In view of the above, reconsideration and withdrawal of the rejections to claims 1 through

7 are respectfully requested.

Claims 8 through 12 and 14 through 20 are rejected under 35 U.S.C. §103(a) as being

unpatentable over the Aravamudan, et al. patent in view of U.S. Patent No. 6,091,710 to

Mawhinney ("Mawhinney patent").

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Claims 8 and 20 provides, *inter alia*, notifying the mobile subscriber when a buddy sends a second message intended for the mobile subscriber subsequent to sending a first unanswered message in which the second message is different from the first unanswered message, and claim 20 provides, *inter alia*, similar language. Thus, a buddy sends a subsequent message without regard for whether an answer is received for an earlier message.

Applicants assert that the Examiner has misinterpreted the Mawhinney patent. In the Mawhinney patent, the bundling is only started after an acknowledgment message for a preceding message is not received (in the context of a TCP window). In fact, bundling does not take place in the messages when they are first sent to the mobile station. The messages are always sent as they come in, and they are not buffered to be transmitted together, as required by claims 8 and 20 (see, for example, buffer 36 of FIG. 8 of the Applicants' specification). The Aravamudan, et al. patent and the Mawhinney patent do not describe or suggest a buddy that sends multiple messages without regard for whether an answer is received, as required by claims 8 and 20. Therefore, claims 8 and 20 distinguish patentably from the Aravamuda patent, the Mawhinney patent, and the combination of these patents.

Claims 9 through 12 and 14 through 19 depend from and include all limitations of independent claim 8. Therefore, claims 9 through 12 and 14 through 19 distinguish patentably from the Aravamuda patent, the Mawhinney patent, and the combination of these patents for the reasons stated above for claim 8.

In view of the above, reconsideration and withdrawal of the rejections to claims 8 through 20 are respectfully requested.

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CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Please charge any fees associated with, including extension of time fees, to Deposit Account 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. A Notice of Allowance is respectfully solicited. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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_____ 01/22/04
Hisashi D. Watanabe   Date

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